IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 22942 of 2007(F)

PETITIONER:

EDAVANNA MANDALAM CONGRESS COMMITTEE,
REPRESENTED BY ITS PRESIDENT, E.A. KAREEM,
S/O. AHAMMED HAJI, AGED 40 YEARS, P.O. EDAVANNA,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS:

1. THE TAHSILDAR,
ERNAD TALUK OFFICE, MANJERI, MALAPPURAM DISTRICT.

2. THE DISTRICT COLLECTOR,
MALAPPURAM DISTRICT, MALAPPURAM.

3. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY,DEPARTMENT OF REVENUE
SECRETARIATE, TRIVANDRUM.

BY G.P. SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.22942 of 2007

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Dated this the 26th day of July, 2007

J U D G M E N T

The petitioner is sought to be evicted from the property occupied by him on the ground that the property is Government land. Ext.P3 notice was issued, to which the petitioner filed Ext.P4 reply. However, the petitioner submits that Ext.P5 order of eviction has been passed without considering any of the objections of the petitioner in Ext.P4. The petitioner, therefore, seeks quashing of Ext.P5.

2. I have heard the learned Government Pleader also.

3. On the face of Ext.P5, it does not deal with any contentions raised by the petitioner. The same is issued in a printed form filling up the blank spaces. Principles of natural justice demand that in such proceedings, each and every contention of the party should be dealt with, which should be reflected in the orders to be passed. Patently, Ext.P5 does not do

that. That being so, I am inclined to quash Ext.P5. I do so. In the above circumstances, I dispose of this writ petition with the following directions:

The 1st respondent shall now pass a speaking order after affording an opportunity of being heard to the petitioner, which shall include opportunity to adduce evidence also. Such order shall contain reasons as to why the petitioner's objections in Ext.P4, based on the evidence to be adduced by him cannot be accepted. Till after 7 days of communicating such orders to the petitioner, the petitioner shall not be evicted from the property in question.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.